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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 CHRISTOPHER BERLIN ROBERTS,

11 Plaintiff,

12 v.

13 STEVEN CAMBRA, JR., Interim Director,

14 Respondent.

Civil No. 01cv0057-L(POR)

**ORDER FOR RESPONDENT TO  
SUPPLEMENT RECORD**

15 By Order dated April 11, 2007, the Honorable M. James Lorenz referred Petitioner  
16 Christopher Berlin Roberts's application for a writ of habeas corpus relief pursuant to 28 U.S.C. §  
17 2254 to this Court for a report and recommendation. By the same Order, Judge Lorenz reopened  
18 this case and granted Petitioner leave to file a motion for leave to amend his petition to add claims  
19 previously exhausted in state court proceedings. On May 14, 2007, Petitioner filed his motion for  
20 leave to amend his petition, and a memorandum of points and authorities in support of that motion.  
21 On June 8, 2007, Respondent filed an Opposition to Petitioner's motion for leave to amend his  
22 petition, on the ground that Petitioner's new claims are time barred. Respondent's Opposition does  
23 not address whether the Petition, if amended as Petitioner requests, would contain exhausted issues.  
24 Nor is the record lodged with Respondent's Opposition sufficient for the Court to determine which  
25 issues advanced by Petitioner's motion were previously exhausted.

26 Therefore, IT IS HEREBY ORDERED that Respondent shall lodge with the Clerk of Court  
27 records bearing on the exhaustion of Petitioner's claims, specifically Petitioner's prior petitions to  
28 the California Supreme Court, in cases numbered **S055818** and **S083786** - which appealed San

1 Diego County case numbers 101957 and 104351 - **on or before November 5, 2007**. The lodgments  
2 shall be accompanied by a notice of lodgment which shall be captioned "**Notice of Lodgment in 28**  
3 **U.S.C. § 2254 Habeas Corpus Case — To Be Sent to Clerk's Office.**" Respondent shall not  
4 combine separate pleadings, orders or other items into a combined lodgment entry. Each item shall  
5 be numbered separately and sequentially.

6 **IT IS SO ORDERED.**

7 DATED: October 5, 2007

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10 LOUISA S PORTER  
United States Magistrate Judge

11 cc: Hon. M. James Lorenz

12 Kevin Vienna  
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